

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action dated August 12, 2005. Claims 1, 7, 11, 12, 13 and 15-17 have been amended, and Claims 14 and 18 have been canceled, without intending to abandon or to dedicate to the public any patentable subject matter. Claims 22-25 are new. Accordingly, Claims 1-7, 9-13, 15-17 and 19-25 are now pending. As set forth herein, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Initially, the applicant would like to thank the examiner for the courtesies extended during the telephone conference held between the Examiner and the undersigned on November 9, 2005. During that telephone conference, aspects of the cited references with respect to the pending claims were discussed. In addition, potential amendments to the claims were discussed. More particularly, amendments to emphasize that the claimed invention generally displays a large overall image using a number of smaller panels and in which panels can be separated from one another by a track of a readerboard and therefore present an overall image that includes discontinuities, were discussed. Furthermore, argument was presented to the effect that the references of record do not teach, suggest, or describe a readerboard system or a method for advertising as claimed in which a portion of an overall image in an area corresponding to a track of a readerboard is not displayed to a viewer. No agreement regarding allowable subject matter was reached.

The present invention is generally directed to a readerboard system or a method of advertising in which an overall graphical depiction is distributed among a number of panel elements. The panel elements are sized such that they can be mounted to a conventional readerboard. In an area of the readerboard corresponding to a readerboard track separating two panel elements from one another, the portion of the overall message or image that would normally be located in that area is not visible to a viewer. In particular, that portion is obscured by the track of the readerboard, and/or is not included

with the portion of the message or overall image contained on a portion of a panel element held within a channel of the track.

In general, the references of record that discuss adjacent panels that can be combined to form larger images are concerned with avoiding gaps or other discontinuities between the panel elements. Accordingly, a system or method in which the tracks of a readerboard create discontinuities in the displayed message or image is not taught, suggested, or described by the prior art.

Claims 1-4, 7, and 8-11 stand rejected under 37 U.S.C. §102 as being anticipated by U.S. Pat. No. 6,665,969 to Conway. In order for a rejection under 37 U.S.C. §102 to be proper, each and every element as set forth in a claim, must be found, either expressly or inherently described, in a single prior art reference. (MPEP §2131.) However, each and every element of the claims can not be found in the Conway reference.

The Conway reference is generally directed to a mount for a tandem sign. In particular, Conway discusses separate sign portions that can be mounted to shelves side by side one another so that the separate sign portions appear as a single sign. However, Conway does not discuss the use of separate sign portions in connection with a readerboard. Instead, Conway provides specially adapted pivotal mounts to allow access to items placed on shelves behind the signs. In addition, Conway discusses joining a number of sign portions so that long signs can be configured. (Conway, Figs. 1 and 3, col. 1, lines 60-63; col. 4, lines 18-24.) In particular, the brackets discussed by Conway for holding the sign portions are configured such that abutting side edges of the sign portions can be placed sufficiently close to one another to appear as one sign. (Conway col. 4, ll. 11-17.) In addition, Conway specifies that the sign portions should not be obscured by supporting structures in the area where adjacent sign portions abut one another. (Conway, col. 4, ll. 11-30.) Accordingly, Conway teaches that adjacent sign portions should not be separated from one another, but instead should abut one another, and that signs with complementary graphics should not be obscured by supporting structures in areas where sign portions abut one another. In addition, there is no

teaching, suggestion or description in Conway of aligning sign portions with one another vertically. Claim 1 is generally directed to a readerboard system. The system includes a first panel element, wherein a first semiotic element is formed on a first surface of the first panel element. The system also includes a second panel element, wherein a second semiotic element is formed on a first surface of the second panel element. Claim 1 further recites that the first and second semiotic elements are complimentary such that they combine to form at least a portion of a substantially continuous message when the first and second panel elements are placed adjacent to one another. In addition, Claim 1 recites that the first semiotic element comprises at least one of the first portion of a graphic image and a first partial portion of a textual character, and that the second semiotic element comprises at least one of a second portion of the graphic image and a second partial portion of the textual character. As amended, Claim 1 also recites that a bottom edge of a first panel element and the top edge of the second panel element are engaged by track channels of a first track of the readerboard, and that the first and second panel elements are separated from one another by the first track of the readerboard. That is, the first and second panel elements are in different rows of a readerboard. Furthermore, Claim 1 recites that a portion of the substantially continuous message at the bottom edge of the first panel element is not displayed to a viewer. That is, there is a gap or a discontinuity in the message presented to a viewer.

The Conway reference, as noted above, does not discuss aligning panel elements vertically in a readerboard to form a continuous message as claimed. Instead, Conway discusses sign panels that are placed side by side. Furthermore, Conway teaches that sign portions should be placed close to one another, and that the inside arms of the brackets holding the sign portions should be cap-less. (See Conway, col. 4, ll. 18-30.) Accordingly, Conway teaches away from a system in which a portion of a sign is obscured by a track or otherwise is not displayed to a viewer in an area between sign panels having complementary semiotic elements as claimed. Conway also includes no suggestion of placing complimentary semiotic elements on sign panels in different rows

of a readerboard. Accordingly, for at least these reasons, Claim 1 is not anticipated by Conway, and the rejections, of claims 1-4 should be reconsidered and withdrawn.

It should be appreciated that a conventional arrangement in which letters fully contained on a single panel are placed in a readerboard is different than the claimed arrangement. In particular, Claim 1 recites that a first portion of a graphic image or a second partial portion of a textual character is formed on a first panel element and that a second portion of the graphic image or a second partial portion of a textual character is formed on a second panel element. That is, the graphic image (which as used in the specification is clearly an image other than a textual message) or character is formed using a number of separate panels. An example of the claimed arrangement is shown in Figs. 8, 9 and 10 of the application. New dependent claims 22-25 emphasize various of these distinctions.

Claim 7 is generally directed to a method for advertising. According to the method, a first panel element containing at least a first portion of a message is placed in a first track of a readerboard and a second panel element that contains at least a second semiotic element comprising at least a second portion of the message is placed in a second track of the readerboard such that the first and second panel elements are in a first relationship with one another. Claim 7 further recites that each of the panel elements includes top and bottom edges that are held in tracks of a readerboard. As amended, Claim 7 also recites that a portion of the first semiotic element adjacent the bottom edge of the first panel element is obscured by a first channel of a first one of the tracks of the readerboard, and that a portion of the second semiotic element adjacent the top edge of the second panel element is obscured by a second channel of the first one of the tracks of the readerboard.

The Conway reference does not discuss aligning panel elements such that portions of a semiotic element contained on the panel are obscured by a readerboard track. Instead, as described above, Conway discusses sign portions with abutting side edges. Furthermore, Conway does not discuss vertically aligning panels held in different

rows of a readerboard. Accordingly, the rejections of claims 7-11 as anticipated by Conway should be reconsidered and withdrawn.

Claims 1, 5, 6, 12-14, and 16-21 stands rejected under 35 USC §103 as being unpatentable over U.S. Patent No. 6, 216,375 to Griffin in view of Conway. In order to establish a *prima facie* case of obviousness under §103, there must be some suggestion or motivation to modify the reference or combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim limitations. (MPEP §2143.) However, each and every element of the claims rejected as obvious can not be found in the cited references whether those references are considered alone or in combination. Accordingly, rejections under 35 USC §103 should be reconsidered and withdraw.

The Griffin reference is generally directed to a sign decoration system. Griffin is cited for disclosing a conventional readerboard with panels that can be used to display messages. Furthermore, Griffin illustrates the use of span over panels, which extend across more than one row of a readerboard. However, Griffin does not teach, suggest or describe vertically aligning separate panels having complementary semiotic elements compromising a graphic image or a portion of a textural character. In addition, Griffin does not teach, suggest or describe a system in which a portion of an overall message in areas corresponding to a track of a readerboard is not displayed. Instead, Griffin discusses conventional use of readerboards, such as inserting complete textual characters or words in rows of a readerboard in which each row of a readerboard may correspond to a different line of text. There is no teaching, suggestion or disclosure of extending a single textual character or a single graphical element (*i.e.* a semiotic element other than a textual character or word) across a number of panels that are separated from one another by a track of a readerboard. Therefore, Griffin does not supply elements of the claims not found in the Conway reference as discussed above in connection with Claim 1. Accordingly, the rejections of Claims 1, 5 and 6 as obvious should be reconsidered and withdrawn.

Claim 12 is generally directed to a readerboard system comprising a graphic image that spans more than one readerboard rows. Claim 12, as amended, also recites that a first portion of a graphic image is depicted on a first one of a plurality of panel elements, a second portion of the graphic images depicted on the second one of the panel elements, wherein the first and second portions of the graphic image are adjacent to one another and are separated from one another by a first one of the tracks of the readerboard. Amended Claim 12 additional recites that a third portion of the graphic image at least partially visually interconnecting the first and second portions of the graphic image to one another corresponds to the area of the graphic image traversed by the first one of the tracks, wherein the third portion of the graphic image is one obscured by the first one of the tracks or not depicted by any one of the panel elements.

Neither Conway nor Griffin, whether considered alone or in combination, teaches, suggests or describes each and every element of Claim 12. For example, neither of the cited references discusses vertically aligning panel elements to form a larger image. In addition, there is no teaching suggestion or disclosure of a system in which portions of an overall graphic image visually interconnecting other portions displayed by vertically adjacent panel elements is not displayed to a viewer. To the contrary, the references of record have been concerned with eliminating perceived discontinuities between panels. Accordingly, for at least these reasons, the rejections of Claims 12-14 and 16-21 as obvious should be reconsidered and withdrawn.

New Claims 22-25 generally depend from Claim 1. Therefore, these claims should be allowed for at least the same reasons that Claim 1 is allowable. In addition, Claims 22-25 recite additional patentable subject matter.

In the amendments to the specification set forth above, a typographical error has been corrected. No new matter has been added to the application by this correction.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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